

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance. The present response is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-16 are pending in this application. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112.

II. REJECTIONS UNDER 35 U.S.C. §102(b) and §103(a)

Claims 1, 3-7, 9-12, 14, and 16 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,809,533 to Anlage, et al.

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,809,533 to Anlage, et al. in view of U.S. Patent No. 5,781,018 to Davidov, et al.

Claims 8 and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,809,533 to Anlage, et al.

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,900,618 to Anlage, et al.

Applicants note that the present invention relates to a near field microscope in which a probe is inserted into a waveguide resonator. A variation in input resistance and

resonance frequency is measured by an interaction between a wave transferred through the probe and a sample so that the optical characteristics of the sample can be measured.

However, Applicants submit that U.S. Patent No. 6,809,533 to Anlage, et al. (hereinafter, merely “Anlage”) discloses a near-field scanning microwave microscope including a coaxial cable resonator, which is similar to the prior art shown in Fig. 1 of the present invention.

Furthermore, Applicants submit that U.S. Patent No. 5,781,018 to Davidov, et al. (hereinafter, merely “Davidov”) relates to a microwave microscope comprising a microwave waveguide having a probe end positioned closely above the surface to be probed such that the surface is in the near field of the microwave radiation. The probe comprises a microwave waveguide and a metallic end placed on the waveguide and having a slit shown in Fig. 2 of the present invention. Therefore, Applicants submit that the probe in Davidov is different from the probe in the present invention.

Applicants submit that nothing has been found in Anlage that would teach or suggest the above-identified features of independent claim 1.

Therefore, claim 1 is believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

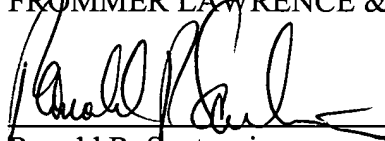
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

The Commissioner is authorized to charge any additional fee that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800